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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 24th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 31 March 1998, at 10 a.m.

Chairman: Mr. SELEBI (South Africa)

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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-NINTH SESSION

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The meeting was called to order at 10 a.m.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 11) (continued) (E/CN.4/1998/74 and Add.1, 75 and 76)

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 16) (continued) (E/CN.4/1998/90 and 91; E/CN.4/1998/NGO/14 and 36; E/CN.4/Sub.2/1997/18; A/52/498)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 18) (continued) (E/CN.4/1998/6 and Add.1-2 and Corr.1, 115 and 121)

1. Mr. RAM (Pakistan) said it was clear from the report of the Special Rapporteur on religious intolerance (E/CN.4/1998/6 and Add.1-2, and Corr.1) that religious intolerance and prejudice was a disease that plagued all societies. His own Government was working hard to establish a tolerant society which provided security to all its citizens regardless of their religious beliefs. Its task was made difficult, however, by the mischief of external agencies. Pakistan had become the target of foreign-funded terrorist activities, and had lost more than 600 lives to such terrorists, who had no respect for places of worship. His Government would not tolerate those activities on its soil, and would vigorously counter the threat to the safety and security of all its people.

2. The Special Rapporteur had referred to the treatment of minorities in Pakistan, particularly Christians. As a member of a minority community himself, he was able to state that the minorities, which were a vibrant thread in the fabric of Pakistani society, were not subjected to any kind of systematic discrimination. Members of minority communities were represented in all walks of life. He described as a tragic aberration an incident at Shantinagar where a small group had instigated a chain of events that led to the destruction of the property of members of the Christian community there; the Prime Minister of Pakistan had himself visited Shantinagar and instructed that those implicated be arrested immediately and those affected compensated. So far a sum equivalent to US$ 735,000 had been paid out to them, and the repair of the churches and homes was almost complete.

3. The Constitution of Pakistan enjoined that all minorities should live in complete peace and harmony and enjoy full religious freedom. They had recourse to any court of law if they felt that their rights had in any way been affected. The Prime Minister chaired the Federal Advisory Council on Minorities, and there was also a National Commission for Minorities, which considered laws, instructions and practices reported as being discriminatory, recommended to the Government steps to ensure fuller participation by members of minorities in all aspects of national life, ensured their association with their religious and cultural festivals and celebrations, looked into grievances and representations and, where necessary, made appropriate recommendations to the Government, and ensured that places of worship of minority communities were preserved and kept in a functional condition. Minority representation was ensured at all levels of administration through

minority committees. All possible efforts were made to prevent the laws of Pakistan concerning blasphemy against the Prophet or Islam from being misused.

4. His delegation regarded favourably the Special Rapporteur's recommendation that his title be changed to "Special Rapporteur on freedom of religion and belief", since that did not imply any change in the mandate. It also supported the recommended initiatives on sensitive priority issues, especially religious extremism, referred to in paragraph 110 of the report (E/CN.4/1998/6). His Government was deeply concerned at the growing trend towards religious extremism, particularly in countries where such extremist movements were voted into power and became capable of forming the Government. Such situations required the constant attention of the international community.

5. Mr. GARCIA GONZALEZ (El Salvador), having thanked the intergovernmental working group of experts on the human rights of migrants for its report (E/CN.4/1998/76), said that the phenomenon of migration had acquired greater importance for his country in recent decades. Of a total population of five and a half million Salvadorans, one and a half million were living abroad. The qualitative importance of migration lay in the assimilation of new values and cultural patterns by Salvadorans residing abroad, together with the emigrants' remittances which strengthened the Salvadoran economy.

6. However Salvadoran migrants, like all others, were exposed to what the intergovernmental working group of experts called "structural vulnerability": they were the victims of violations of human and labour rights, and were the more vulnerable the further away they were from their country of origin, largely as a result of ignorance and prejudice manifested in false doctrines of racial superiority. While every State had a sovereign right to determine its policies regarding migration, such policies had to be consistent with the principle of respecting the human rights of migrants, regardless of whether they were legal or illegal, especially in the case of vulnerable groups such as women, children and the elderly. All the relevant human rights instruments had to be respected in the case of migrants also.

7. His Government had begun the internal-consultation process needed for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and supported the recommendation by the intergovernmental working group of experts that it should be authorized to meet twice a year for sessions of five days each.

8. Mr. DESSER (Austria) said that the rights of persons belonging to minorities to enjoy their own culture, use their own language and practise and profess their own religion had to be guaranteed. While there were a number of international legal instruments to protect and promote such rights, further measures were clearly necessary since many conflicts bore the hallmark of unresolved minority issues which might threaten the stability and peace of entire regions. It was in the interest of the international community, therefore, to urge Governments to take appropriate action to defuse potential conflicts well in advance and to respect international standards aimed at the protection of the existence and identity of persons belonging to minorities.

Failure to comply with such standards remained a serious threat to peace and stability in many parts of the world but, in a number of States, minorities were still regarded as a potential threat to unity and stability.

9. Many Governments had adopted positive legislation however, which took into account the interests and needs of their ethnic, religious or linguistic minorities. The rights of national minorities in Austria were covered by the Ethnic Group Act of 1976 and the cultural, social and economic interests of specific ethnic groups were ensured and promoted by Advisory Councils set up by the Government for the Croat, Czech, Hungarian, Slovene, Slovak and Roma minorities. The Council of Europe Framework Convention for the Protection of National Minorities, which Austria had ratified and which had entered into force on 1 February 1998, was the first legally binding multilateral instrument devoted to the protection of national minorities and included a special monitoring mechanism. The protection of national minorities was also an objective of the Organization for Security and Cooperation in Europe (OSCE) and of the Central European Initiative.

10. The experience of such regional activities could usefully contribute to the work being done at the global level in the United Nations, and his delegation urged the High Commissioner for Human Rights and the Working Group on Minorities to establish closer contacts with the regional organizations concerned.

11. The Working Group on Minorities had become an important forum for constructive discussion, with active contributions from representatives of Governments, intergovernmental and non-governmental organizations (NGOs) and individual experts. In view of the valuable work it had already done and the many tasks that lay ahead, it should continue to meet annually in order to implement its mandate still further.

12. Mr. ISLAM (Bangladesh) said that his Government had recently taken steps to resolve a long-standing problem involving the ethnic tribal minority in its south-eastern hill districts. It had signed a peace agreement with the hill tribes on 2 December 1997 which was aimed at resolving peacefully two decades of insurgency and unrest.

13. The agreement provided for upholding the political, economic and socio-cultural interests of the hill tribes within the jurisdiction of the Bangladesh Constitution. It recognized the hill districts as constituting an area to be administered by a Regional Council whose chairman would be elected from among the tribal people. The Council's functions would include coordinating and supervising the development activities of the hill tracts councils as well as local government institutions, the administration of law and the dispensing of customary justice. No public land in the region would be leased out, purchased, sold or transferred without the Council's permission, with the exception of reserve forests, recorded Government lands etc. A land commission was being formed to resolve all cases of land disputes.

14. Under the provisions of the agreement, the hill tribes had surrendered their arms and ammunition to the Government, and life had begun to return to normal. Refugees had begun to return from the adjacent Indian State of

Tripura, and his Government of Bangladesh was providing incentives and a rehabilitation package to them and to those persons who had been granted an amnesty upon surrendering their arms.

15. Ms. SONAM (China), having expressed her support for the Working Group on Minorities, said that individual States should adopt measures for the promotion and protection of the rights of minorities that were suited to their own national conditions, but at the same time the international community should exchange experience that had been acquired.

16. China was a unified, multi-ethnic country, 108 million of whose people belonged to 55 minority ethnic groups that constituted some 8.9 per cent of the population. Her Government had always attached importance to the protection of all the legitimate rights of the ethnic minorities. Its ethnic policy was one of safeguarding and promoting equality, unity and mutual assistance, practising a system of regional national autonomy and working towards the common prosperity of all ethnic groups.

17. The ethnic minorities in China enjoyed all the rights set down in the Constitution and law together with some special rights accorded them by law. Some 14.36 per cent of the deputies to the Ninth National People's Congress were from the ethnic minorities, and that was higher than their proportion of the population as a whole. Even the smallest ethnic groups were represented in the National People's Congress. At the regional and local levels, the director or deputy director of the standing committee of the people's congress of an autonomous region, the chairman of a regional autonomous Government and the head of the administration of an autonomous prefecture or county had to be citizens of the ethnic minority that exercised self-government.

18. Chinese law stipulated that all ethnic groups were entitled to use and develop their own spoken and written languages, and had the right to use their own languages in legal proceedings on an equal basis with the Han language. The Government had helped 10 ethnic minorities to create their own script, and central and regional specialized publishing houses and news agencies had been established to publish in minority languages.

19. The Central Government extended financial and material support to minority autonomous regions for promoting local economic and social development, and had set the regions inhabited by ethnic minorities as its main targets for the alleviation of poverty. To speed up the economic development of the Tibetan Autonomous Region, the Central Government and various provinces and municipalities had provided assistance in a number of forms; such assistance projects had played a very important role in accelerating the growth of the Tibetan economy and promoting its ethnic unity.

20. Mr. KUETH (Sudan) said he had been a Christian priest for many years and thus had the credentials to provide information about religious freedom in his country, the Sudan. He said it was not fair for an NGO - Christian Solidarity International - to portray the Government of his country as the National Islamic Front Government, because the Christian population had its fair share in the Government. The Deputy Vice-President, an Assistant to the President and the Deputy Speaker of the National Assembly were all Christians, as were

many ministers at federal and State levels. Christians occupied many senior posts in the Ministry for Foreign Affairs, the Ministry of Justice, the judiciary, the armed forces and other government departments.

21. The Sudan Peace Agreement of 21 April 1997 was a landmark in the enjoyment of religious freedom according to which citizenship was the basis for rights and duties, irrespective of religious and ethnic affiliation. The right to self-determination had been guaranteed to all southern Sudanese, particularly the Christians, who were enjoying their fair share of power, wealth and religious freedom for the first time in the country's history.

22. Christian Solidarity International had depicted the Christian population in Sudan as being persecuted, a statement that would do the Christians in the Sudan no good since it would incite religious hatred and confrontation. It had asserted that the Government was demolishing churches and church-related institutions, yet in Khartoum alone more than 260 churches and church-related institutions were working in the field of education, health and social services. There had been very few cases of demolition, all of them in the context of urban planning after alternative sites had been provided, and on the same basis. Mosques had also been demolished.

23. Any serious allegations regarding religious freedom had been objectively verified by Christians from outside the country. A Presbyterian delegation from Belfast, that had visited the country in 1998, had proved the allegations to be untrue. The Government of Sudan had also received visits by the Pope, the Archbishop of Canterbury and the United Nations Special Rapporteur on religious intolerance.

24. He appealed to Christian Solidarity International to allow the Christians in the Sudan to live in peace with the other religious and ethnic communities there, to stop manipulating them for political purposes, sowing the seeds of hatred and religious intolerance and to abandon its unjustified animosity against the Government of the Sudan.

25. Mr. SCHATZER (Observer for the International Organization for Migration (IOM)), said that the long-term goal of IOM programme activities was to ensure that the principles and guidelines of international law were adopted and followed by migration authorities and border officials and incorporated into national laws, the intermediate goal being to ensure better cooperation in migration management with a view to achieving coordinated and balanced practices. IOM had cooperated with the working group of intergovernmental experts on the human rights of migrants and supported the proposal to extend the working group's mandate as the situation with regard to the human rights of migrants was still far from satisfactory and required further attention and action.

26. His Organization welcomed the recent increase in United Nations activities in the field of migrants' rights and noted with satisfaction the efforts being made to seek more extensive ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

27. In recent years, his Organization had become particularly concerned about the problem of irregular migration and trafficking in migrants, practices often associated with multiple forms of human rights abuses. Efforts to control such trafficking involved a complex set of activities, ranging from preventive measures to law enforcement to remedial and rehabilitation activities for the victims. As with much other migration-related work, inputs and cooperation by sending, transit and receiving countries were essential.

28. Mrs. GWANMESIA (Observer for Cameroon) said that the population of her country consisted of 243 ethnic groups, none of which was numerically predominant although some were economically more advanced than others. Owing to its colonial past, Cameroon was divided into a French-speaking and an English-speaking part, the former accounting for over two thirds of the total population of 13 million. Differences in the political, administrative and judicial systems of the two parts of the country had created difficulties in the early stages of independence, and human rights had been slow to develop.

29. The change in leadership which had taken place in November 1982 had marked a turning point in the relationship between the peoples of the two linguistic cultures, with marginalization in appointments to top positions in the State structure yielding to principles of regional balance and equitable distribution. The new Constitution of 18 January 1996 contained adequate safeguards for the protection of minorities and proclaimed the equality of the English and French languages. The provisions of a recent presidential order had further consolidated bilingualism as a national culture. The time was not far off when language would cease to be an indicator of minority or majority status but, rather, would become a feature of national integration.

30. The heritage of the two judicial systems - common law and civil law - was also being preserved. A Code of Criminal Procedure, already drafted and soon to be promulgated, drew upon both systems but placed the emphasis on guaranteeing fairness, equity and the rights of the defence. The coming into force of the new Code would represent a further step towards the elimination of minority consciousness in the country. Furthermore, under the new Constitution, power had been decentralized and vested in regional administrations and councils, the regions being endowed with limited autonomy.

31. Mr. BAUMANIS (Observer for Latvia) said that the situation of national minorities in a country depended largely on the level of democracy it had attained. Minorities were the first to suffer from totalitarian regimes, which tended to entail either forced resettlement or the replacement of the minority's identity by an artificial one, supposedly common to all. Latvia was a multi-ethnic country which, since its independence, had been free from ethnic cleansing, racially motivated violence or ethnic disputes. His Government considered democracy to be the only way to achieve the peaceful and harmonious coexistence of all ethnic groups.

32. The National Human Rights Office, to which the Russian representative had referred in his statement, was an independent institution which issued opinions on the Government's work in the field of human rights and as information concerning the compliance of Latvian legislation with

international law. As an alternative process for settling disputes, the Office provided a rapid, inexpensive and effective remedy for human rights violations.

33. Concern had been expressed in the Commission about the situation of ethnic Russians residing in Latvia who were not Latvian citizens. In that connection, he wished to state that obtaining Latvian citizenship did not depend on ethnic origin. Almost 40 per cent of the Russians residing in Latvia were citizens of the Republic. As for the others, it was his Government's understanding that there had to be a genuine link between the citizen and his country and that the link implied certain rights and duties, including the defence of the country. That was, perhaps, the reason why persons eligible to apply for Latvian citizenship were refraining from doing so.

34. An extensive sociological survey had been conducted over the past two years in cooperation with the OSCE mission in Latvia, the Council of Europe and the Soros Foundation to develop principles and a programme of action for social integration in Latvia. The conclusions would be made public in the summer of 1998. His Government was grateful for the international assistance thus provided.

35. The fact that the rights and freedoms of national minorities in Latvia were not restricted by ethnic or any other criteria was reflected in the European Commission's opinion to the effect that Latvia presented the characteristics of a democracy with stable institutions, guaranteeing the rule of law, human rights and respect for and protection of minorities. His Government had implemented most of the recommendations made by the OSCE High Commissioner on National Minorities. He was not aware of any recommendations having been made by Mr. van den Broek, as asserted by the Russian delegation, and would appreciate clarification on the point. Since it would welcome a constructive dialogue based on respect rather than tendentious allegations that did nothing to reduce the fears that many Latvians might still have regarding their eastern neighbour.

36. Mrs. MATLARY (Observer for Norway) said that the freedom to worship corresponded to a fundamental spiritual need of the human being and, for that reason, could be said to come before other human rights. Without freedom to worship there could be no real political freedom or freedom of thought and conscience. Religious freedom thus fell in the same category as other basic rights relating to the protection of the integrity of human life, and in particular the right not to be subjected to torture or inhuman or degrading treatment, the prohibition of slavery, and the right to life.

37. Given the great urgency and, at the same time, the great complexity of the issue of promoting and defending religious liberty, the question arose as to how the international community could best deal with that issue on the threshold of the twenty-first century. Her own Government - a coalition of the Christian-Democratic, Left and Centre Parties - doubted the usefulness of drafting an additional legally binding instrument, although it did see a need for legal clarification of some of the questions arising from the different

wordings of the various texts already in existence. In view of the urgency of the matter, however, it considered that other measures should be given priority.

38. Leaders of religions or beliefs, Governments, academic institutions and human rights organizations should work together to develop a plan of action in support of article 18 of the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. The Conference on Freedom of Religion or Belief, to be held at Oslo from 11 to 15 August 1998, would endeavour to develop such a plan of action. The Conference - of which her Government was the main sponsor - would be attended by about 100 international experts and religious leaders, including, of course, the Special Rapporteur, Mr. Amor, and would explore different ways of expanding and consolidating universal support for the basic human right of religious freedom.

39. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that, as the recent tragic events in Bosnia, Rwanda and Burundi had shown, intolerance increased the chances of war and human rights violations of all kinds, while tolerance was the cornerstone of the protection of human rights. Mankind seemed, however, to be growing tired of hostility and eager to explore new avenues for understanding and cooperation, and that was a promising development. His Government strongly supported the ideal of a genuine dialogue among religions, cultures and civilizations which, in addition to promoting respect for diversity, would encourage tolerance at both the national and international levels and thus contribute to the gradual realization of a global civil society.

40. Mr. EFTICHIOU (Observer for Cyprus), having expressed himself in favour of extending the mandate of the Special Rapporteur on religious intolerance, said that particular consideration should be given to cases of intolerance and discrimination resulting from conscious and systematic government policies. His own country, invaded by Turkey in 1974 and still occupied by Turkish forces, was, unfortunately, a case in point. Turkish aggression was directed not only against the territorial integrity of Cyprus and its people but also against their beliefs and their cultural heritage. The systematic plundering and destruction of religious objects in Cyprus could no longer be attributed to irresponsible individuals.

41. Notwithstanding the view expressed by the Secretary-General in his report of 8 December 1997 (S/1997/962) that the living conditions of Greek Cypriots and Maronites in the area occupied by Turkey had changed little since his previous report, the situation had in fact changed - for the worse. Further restrictions had been imposed on the movements of such persons, obliging them to obtain so-called exit and re-entry visas for visits to Government-controlled areas of the Republic and effectively prohibiting visits by Greek Cypriots from the Government-controlled areas to places of worship in the occupied part. The situation was so serious as to warrant a determined reaction on the part of the international community.

42. Mr. NAVIKAS (Observer for Lithuania) described the steps taken in his country towards the full implementation of the freedom of religion or belief. In particular, he referred to the relevant articles of the Constitution

adopted in October 1992, whose language was taken almost directly from the corresponding articles of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and to the Religious Communities and Associations Act, adopted in 1995, which recognized the existence of nine traditional churches and religious communities in Lithuania and emphasized the country's historic tradition of religious tolerance. The nine churches listed in the Act covered the religions practised by almost all the national minorities in Lithuania, but other religious communities and associations could also apply for registration, provided their activities did not violate human rights and freedoms or public order and their teachings and rituals did not run counter to public morals or the law. Those provisions, too, were consistent with article 1, paragraph 3 of the Declaration.

43. Ms. GRIMA (African Association of Education for Development) drew attention to the situation of women from Africa who had gone to Saudi Arabia to work as housekeepers, only to end up in the hands of abusers. Many had committed suicide and others had died of unknown causes or simply disappeared.

44. In response to the assertions by the observer for Ethiopia the previous day, she said that religious leaders, both Islamic and Christian, were still in jail in that country. Believers had been shot dead by the police on what both confessions considered holy ground. The observer's assertion that the peoples of his country were protected by constitutional guarantees was also far from reality. A minority ethnic group that had come to power by force of arms seven years earlier still dominated the country, restricting participation at all levels by fostering a divisive communalism. Civil servants had been replaced and appointed on ethnic grounds. Intolerance and humiliation had reappeared, bringing with them armed conflict.

45. The case of the Afar, who lived in three different countries and suffered repression from various Governments, was a classic example of how minorities were treated in the Horn of Africa. Members of the Afar opposition from Djibouti had taken refuge in Ethiopia, where 25 people, including a visiting pregnant woman, had been imprisoned without any explanation, moved from one prison to another and finally returned to Djibouti. The Ethiopian authorities had acted in that way to prevent them from attending a United Nations meeting on indigenous peoples. The pregnant woman had been freed after three months' imprisonment and had just rejoined her children in France. The men were still in custody, even though some of them needed urgent medical care.

46. Mr. GENIUSAS (International Federation of Free Journalists) said that his organization was concerned at the constant violations of the human rights of minorities and vulnerable groups, including native peoples oppressed or threatened by dominant foreign powers. Abuses included the repression of the native Albanians of Kosovo; the unremitting genocide of the Tibetans, the Kashmiris, the East Timorese, the Kurds and the Tutsis; the desperate homelessness of the Crimean Tatars; and the loss of the cultural identity of the Finno-Ugric peoples.

47. Since the restoration of the sovereignty of Latvia and Estonia in 1991, the Russian Federation had been accusing the Governments of those countries of

discriminating against Russian residents and of imposing excessive citizenship requirements. Those requirements, however, were for five years' legal residence, a knowledge of the national language, acquaintance with the Constitution and an oath of allegiance: no more than was required, for instance, by the United States. The Russian Federation was engaged in an unrelenting campaign of disinformation and was exerting constant pressure on the Governments of those countries to change their citizenship laws, even though Russians in the Baltic countries enjoyed more rights than their Baltic counterparts in the Russian Federation. Human rights abuses had been found by international organizations in the Russian Federation but not in the Baltic States.

48. Ms. ALI (Afro-Asian People's Solidarity Organization) said a distinction should be made between the random oppression of a minority and a systemic failure which not only sanctioned but encouraged such oppression. India and Pakistan were both currently celebrating 50 years of independence, yet the two had trodden quite different paths. India, for all its aberrations, had sought to put into place a Constitution and a legal and institutional structure guaranteeing equality for all. People belonging to different castes, religions and ethnic backgrounds had occupied the highest office in the land.

49. The founding father of Pakistan, Mohammed Ali Jinnah, had envisaged a State where people of all religions could coexist, since a person's individual beliefs were no concern of the State. The new President of Pakistan had declared his intention to consolidate the Islamization of Pakistan. While there was no necessary contradiction between his position and that of Jinnah, Islam being a compassionate religion, the catch was that the trend of governance and the predilections of successive regimes in Pakistan suggested the possibility of further oppression of both religious minorities and of women.

50. Minority communities in Pakistan felt insecure, whether they were religious or ethnic, and were deeply distrustful of the Government's census figures. Religious extremism had dominated Pakistan's polity for decades, increasingly so during the Afghan war. Sectarian clashes, assaults on Christians, the murder of Iranians by fundamentalist groups, attacks on mosques and the second-class status of women had become commonplaces.

51. That situation had not come about by accident and individuals were not to blame; the culprit was the systemic failure and narrow vision afflicting Pakistan. Democracy, without constraints, was the best guarantor of the rights of minorities and the international community should work to strengthen democratic norms through example and education.

52. Ms. SHAUMAMIAN (International Institute of Peace) said it was distressing that the potential of the Indian subcontinent had not been fully realized, partly as a result of intolerance which negated the fruits of economic development. A recent event had been encouraging however: the Prime Minister of Pakistan had expressed regret for the massacre of Bengalis by the Pakistan army in 1971.

53. The time had come for Pakistan to take a further step. The Harkat-ul-Ansar had functioned for years out of Pakistan, sending armed cadres

to India, Tajikistan and Myanmar to wage a jihad against the infidels. The consequences of their religious fanaticism were particularly dire in Indian Jammu and Kashmir, where the entire Kashmiri Pandit heritage was in danger of being destroyed for ever. Since indoctrinated bigots would probably not know how to articulate words of apology, the Prime Minister of Pakistan might discharge that obligation for them.

54. Ms. VERZEGNASSI (International Progress Organization) said that people in the north of Jammu and Kashmir - Azad Kashmir - had seen their land taken over as a staging post for the conquest of India, with no respect for their own rights and with no avenue for appeal. The High Court of Pakistan had been told that it had no jurisdiction over the area, since it was not part of Pakistan, while the High Court of Azad Kashmir said that it did form part of Pakistan. In any event, the territory, which had previously enjoyed a culture of peaceful coexistence, was being turned into a wasteland by religious fanatics who oppressed the non-Muslim minorities. Even more alarmingly, the trend was spreading to other countries in the region, such as Afghanistan. States must be made to understand that policies of xenophobia and oppression were unacceptable.

55. Mr. AHMAD (World Muslim Congress) said that discrimination based on religion and belief continued to be widespread. National mythology made it imperative that the minority should submit to the will of the majority. That applied to the Albanian minorities in parts of former Yugoslavia and to the ethnic Rohingyas, inhabitants of Arakan in north-west Myanmar.

56. The caste system, which was in contradiction to the equality of human rights, formed the foundation of Indian society, and the people belonging to the lower castes, particularly the so-called "untouchables" were constantly oppressed. The most deprived religious minority in India was the Muslim one, the largest such community and the only one to have gone into continuous decline since independence. The new Government in India, based on the Bharatiya Janata Party (BJP), was fundamentally hostile to Muslims. The BJP had been responsible for the destruction of mosques and large-scale anti-Muslim pogroms.

57. The pressures on the Muslim community were enormous. Although 17 per cent of the population, their share of senior government posts was only 2 per cent. Their opportunities for higher education were extremely limited and they were refused loans to start businesses. They were expected to merge into the larger Hindu culture and conversion to Islam, although a constitutional right, was regarded as an act of treason.

58. Mr. KIRCHER (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that the mere fact of belonging to an indigenous community increased the chances of human rights violations. He drew attention to three specific examples. The San Andrés Accords in Chiapas perpetuated the social exclusion of the indigenous people. The Mexican Government, which had deliberately broken previous agreements, intended to restrict the enjoyment of indigenous peoples' rights to "communities", to remove indigenous rights of jurisdiction and to remove their right to land and natural resources. The

proliferation of pro-Government paramilitary groups had prevented the indigenous people from exercising their right to participate in the country's political and cultural life.

59. In Colombia, the Constituent Assembly had proclaimed the multi-ethnicity of the nation, but the reality was quite different. The Pacific coastal region had been subjected to an unprecedentedly cruel paramilitary offensive which had gone unpunished, despite protests from public figures and individuals. Economic sectors which wished to exploit the area's natural resources had then moved in. Displaced peasants had, in desperation, sold their land for a pittance to members of the traditional political class. The central Government, in the name of collective ownership, had handed over land to unknown people and supported its resettlement by paramilitary groups.

60. In Western Sahara the people, who were to have a referendum on self-determination on 7 December 1998, lived as refugees or as an ethnic minority in Algeria, Morocco or western Europe. The Government of Morocco was ever more flagrantly pursuing policies detrimental to the Saharans, particularly through arbitrary detention, through non-cooperation in providing information on the fate of hundreds of disappeared people and through obstacles placed in the way of the identification process. According to a confidential circular from the Ministry of the Interior, attempts were being made to "clone" Saharans in order to distort the referendum process.

61. The CHAIRMAN said that speakers must be more careful in their language, even if it were used figuratively. The last speaker's use of the word "clone" was ill-judged.

62. Mr. TRUMBOO (International Human Rights Association of American Minorities), speaking also on behalf of the World Society of Victimology, said that the situation of African-Americans remained a cause of concern. The resource gap between affluent white schools and minority schools was staggering. The same disparities in treatment could be noted in health care and in the criminal justice system.

63. Discrimination against minorities in India continued unabated. On the eve of the new millennium, the caste system was as prevalent as it had been 50 years earlier. "Untouchables" continued to be harassed and persecuted and low-caste women were particularly vulnerable to physical violence and brutality. The Sikh and Christian minorities were also under threat.

64. Muslims represented the biggest minority group in India, but 50 years after independence, their representation in Parliament, State legislatures, administrative services, armed forces and educational institutions was far below their proportion of the national population. Such inequality was not only blatant but deliberate. Communal riots posed the gravest threat to the Muslim minority from destruction of their property and loss of life. In that connection, the Commission should call upon India to allow an independent fact-finding mission to visit occupied Kashmir to investigate the recent massacres there.

65. Mr. PADILLA (Guatemala) said that migrant flows were not a new phenomenon. From the time of the Renaissance onwards, huge numbers of people

had moved from the European continent to Africa, Asia, America and Oceania. He wondered what would have happened in Europe if those emigrants had not found a welcome and work in the countries to which they went and how excessive population might have affected the economic history of those countries which were currently considered "developed". The rich countries, had thus a moral obligation to show solidarity and protect the human rights and fundamental freedoms of migratory workers.

66. The linked problems of over population and migration could be resolved only within a framework of international cooperation and of policies designed to remedy the structural inadequacies that were at the root of both. The developing countries must adopt policies and programmes to promote sustainable human development within a framework of democracy and respect for human rights, while the industrialized countries must increase their official development assistance (ODA) target to 1 per cent of their GDP. It was, indeed, in the interest of the industrialized countries to increase their flows of financial and technical assistance to alleviate poverty and promote social development in the developing countries.

67. Though his own country had experienced the migration of around 1 million of its citizens to North America in search of work, it had recently begun to receive migrants from other Central American and South American countries and also from the Far East. His Government was cooperating closely with the International Organization for Migration (IOM), was applying a policy of protection for the human rights of those migrants, was working to combat the illegal traffic in persons and was cooperating at the bilateral level with Mexico on the question of migrant workers in the border area between Guatemala and the State of Chiapas.

68. His delegation supported the extension of the mandate of the working group on migration and urged universal ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Guatemalan Congress had recently begun the process of ratifying that instrument.

69. Mr. AMOR (Special Rapporteur on religious intolerance) said that, from the general debate, he had concluded that development and reinforcement were needed in the areas of human rights, human resources, cooperation among States and culture and education if religious intolerance was to be eliminated. He appreciated the efforts made by some States to keep him informed of developments at the national level. More than ever before, the international community must intervene to prevent intolerance before it had an opportunity to take root.

70. Mr. TODOROV (Observer for the Former Yugoslav Republic of Macedonia), speaking in exercise of the right of reply, said that the allegations by the representative of the Transnational Radical Party regarding the Albanian minority in his country were untrue and based on a lack of knowledge of the facts. The statement in question had contained a great deal of inaccurate statistical information, and he would be pleased to provide full information on the national minorities to any interested delegations. The Constitution of his country stated that all citizens enjoyed equality before the law

regardless of their ethnic origin and his country's achievements in protection of minority rights were widely recognized by the international community.

71. Mr. HASHMI (Pakistan), speaking in exercise of the right of reply, said that the representative of an NGO had delivered a litany of falsehoods and fabrications about the situation in Karachi, which his delegation deeply resented. "Muhajir" was an Arabic word meaning "he who migrates" and the Muhajirs in Pakistan were the descendants of persons who had migrated from India to Pakistan at the time of independence in 1947. They were not a distinct ethnic or linguistic group. Karachi had been the focus of a well-organized campaign of terrorism sponsored from abroad. The political problems had since been resolved, although there was still some factional fighting.

72. Three other NGOs had accused Pakistan of massacres in Kashmir, in order to cover up the reign of terror unleashed by over 600,000 Indian troops against the innocent people of that State, their only crime being to ask for their right of self-determination to be recognized.

73. In conclusion, he pointed out that the political party of the religious fanatics which had destroyed a mosque and massacred 1,000 innocent Muslims in their own country currently enjoyed an electoral majority, a fact whose implications should be of concern to the Commission on Human Rights.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-NINTH SESSION (agenda item 15) (E/CN.4/1998/2-E/CN.4/Sub.2/1997/50, E/CN.4/1998/86, 87 and Add.1, 88 and 89; E/CN.4/1998/NGO/1; E/CN.4/1997/80; E/CN.4/Sub.2/1997/11)

74. Mr. BENGOA (Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities) introducing the Sub-Commission's report on its forty-ninth session (E/CN.4/1998/2-E/CN.4/Sub.2/1997/50) said that he wished to highlight three main areas of its work: its mandate, changes in the agenda and improvement of working methods; the importance of its working groups; and the new topics and studies being discussed and prepared that should make it into a true centre for the entire international system of protection for human rights.

75. The Sub-Commission had introduced a new agenda with the number of items reduced from 22 to 14, thus allowing greater participation and more thorough treatment of the matters before it. It had also taken care to avoid duplication by not considering cases already studied by the Commission.

76. The working groups were the pillars of the Sub-Commission. As their reports showed, they had benefited from the participation of many specialized institutions and individuals involved in their specific fields. In his own personal view, a way should be found to avoid duplicating the discussions in those working groups. Discussion in the Sub-Commission should focus on specific measures rather than repeat a debate which had already taken place. The same would apply when the reports of the working groups were submitted to the Commission.

77. The Sub-Commission had requested the appointment of four special rapporteurs, including a special rapporteur on the relationship between terrorism and human rights. Eight new studies had been initiated by Sub-Commission experts, without any financial implications. Five studies were continuing. A procedure for conducting studies without financial implications had been agreed upon and the Sub-Commission had established the criteria for the priority to be given to new studies. It had decided that priority should not be given to isolated studies.

78. The changes to the agenda had permitted items to be clustered in a more logical way. The main result had been the grouping of a set of items redefined by the globalization process, a theme that had replaced apartheid as the central focus of the Sub-Commission's work.

79. Economic social and cultural rights received greater attention from the Sub-Commission with each passing year. The studies on extreme poverty, the right to adequate food, forced displacements and income distribution and human rights had been concluded. At its forthcoming session, the Sub-Commission would discuss how a social forum could be established to consider on an annual basis, the evolution of those rights in the contemporary globalized world.

The meeting rose at 1 p.m.